

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #146
01/24/05**

MEMBERS PRESENT: Chairman Ted Sutton, Vice-Chairman Charles Niebling, William Clifford, David Collins, Robert Duval, Linda Thomas, John MacDonald, Ryan Bielagus

MEMBERS NOT PRESENT: Raymond Donald, Robert McLellan, Muriel Lajoie

NHDES – ARD PERSONNEL: Anne Keach, Robert Scott, Craig Wright, Barbara Hoffman, Sheri Eldridge-Banack, Michael Fitzgerald, Rebecca Ohler

OTHER INTERESTED PARTIES:

Call to Order:

Chairman Sutton called Meeting #146 of the Air Resources Council (ARC) to order at 9:10 a.m. on January 24, 2005. Chairman Sutton announced that a quorum was present.

Approval of Minutes:

David Collins entered a motion to accept the minutes of meeting #145. Robert Duval seconded the motion and noted a minor revision on page 3. John MacDonald abstained. All others were in favor. The minutes of meeting #145 were accepted by the ARC.

Legislative Issues:

Mr. Scott outlined the following legislative issues that the Air Resources Division will be providing testimony on during the 2005 Session:

- 2005-S-1003-R – relative to the adoption of emissions reduction standards as required by the Clean Power Act
- 2005-H-0024-R – relative to mercury reduction
- 2005-S-1004-R – relative to establishing a fee on the importation of motor fuels to fund air quality mitigation
- 2005-S-1005-R – authorizing the NHDES to adopt rules from the California Air Resources Board (CARB) relative to motor vehicle emissions standards
- HB 58 – relative to the effective date for the elimination of MtBE in gasoline

John MacDonald asked Robert Scott if automobile dealers in New Hampshire have had an opportunity to weigh in on the issues contained in LSR # 2005-S-1005-R. Robert Scott reported that ARD staff recently met with Dan McLeod, President of the NH Automobile Dealers Association. Mr. Scott stated that NHADA is opposed to the legislation because they do not want to be regulated.

Robert Duval asked Director Scott if NH could ban the use of MtBE and continue to use a reformulated gasoline.

Mr. Scott stated that the CARB legislation will help allow NH to avoid RFG.

David Collins stated that NH will, in all likelihood, continue in RFG, and asked what will happen to the CARB legislation.

Mr. Scott stated that the NHDES will continue to support CARB legislation in order to gain NOx credits.

Director Scott stated that the following ARD-related items are also before Legislature this session.

- HB 57 – relative to the burning of construction and demolition debris
- HB 121 – relative to local land use approval for facilities requiring air pollution control permits
- HB 174 – relative to renewable energy transition service and the extension of a portion of the system benefits charge
- HB 175 – relative to divestiture of PSNH generation assets
- 2005-H-0096-R – relative to the installation of continuous emission monitoring devices on stationary sources and devices
- 2005-H-0431-R – relative to emissions requirements for municipal waste combustion units
- 2005-H-0627-R – relative to restricting certain mercury-added products
- 2005-H-0677-R establishing a commission to study options for reducing the impact of exhaust from certain diesel engines
- 2005-H-0713-R – relative to best available technology in air pollution control
- 2005-H-0759-R – relative to regulation of emissions from municipal waste combustors
- 2005-S-0940-R – relative to tax exemptions for water and air pollution control facilities
- 2005-S-1047-R – relative to the effective date of the law requiring the elimination of certain substances from gasoline supplies

Robert Duval asked Director Scott why NH is required to conduct tailpipe (OBD) testing.

Director Scott responded that tailpipe testing is a requirement of the Clean Air Act. Specifically, NH must conduct enhanced motor vehicle inspections for vehicles manufactured in 1996 or newer. He added that the NH Department of Safety instituted diesel opacity testing as part of their safety inspections.

John MacDonald stated that he recently reviewed EPA's data available on their website regarding the four counties that are not in attainment. He asserted that by looking at the past data, it appears that the downward trend in the number of ozone exceedances is sustainable. Mr. MacDonald stated that the degree of non-attainment in his opinion is very small because NH experienced only one exceedance last year even though NH changed from a 1-hour standard to an 8-hour standard which is a more stringent standard. Mr. MacDonald recommended that the NHDES develop a master plan to reach attainment status and avoid additional federal requirements in the future.

Env-AC 200, Procedural Rules

Gretchen Hamel, Administrator of the NHDES Legal Unit requested that the ARC vote to adopt Env-AC 200, Procedural Rules for the ARC. David Collins entered a motion to adopt the revisions to Env-AC 200. Robert Duval seconded the motion. All members present were in favor.

Chairman Sutton thanked Gretchen Hamel for her assistance in revising Env-AC 200. Ms. Rule stated that she will have copies of the rule made available to members of the ARC.

Env-A 1500, Conformity

Rebecca Ohler of the Technical Services Bureau presented the proposed rules Env-A 1500, Conformity. She explained that changes in the Federal Rule from the 1-hour to the 8-Hour Standard necessitated changes to the NH Rule. Specifically in the following references:

- Edition of title 23 of the Code of Federal Regulations (CFR) shall control all references to 23 CFR 4350
- Edition of title 40 of the CFR shall control all references to 40 CFR 93

- Edition of title 40 of the CFR shall control all references to 40 CFR 51.

Robert Duval entered a motion to accept the revisions to Env-A 1500. Vice-Chairman Niebling seconded the motion. All present were in favor. Vice-Chairman Niebling instructed members of the ARC to contact him within fifteen (15) days to discuss the review of the proposed changes.

Env-A 4100, Consumer Products

Sheri Eldridge-Banack, Planning Specialist for the Stationary Source Management Bureau informed the ARC that draft revisions to Env-A 4100 are incomplete at this time. She stated that once discussions with stakeholders are complete, the revision will be formally presented to the ARC.

Ms. Eldridge-Banack introduced Michael Fitzgerald, Supervisor of the Mobile Sources Management Bureau. Mr. Fitzgerald provided the ARC with an informal overview of Env-A 4100, Consumer Products Rule. Mr. Fitzgerald reported that because the rule will regulate manufacturers and distributors, it is imperative that discussions continue with the stakeholders. Mr. Fitzgerald added that the states of New York, Delaware, Pennsylvania and Maine have already adopted similar rules relative to consumer products.

Linda Garrish Thomas entered a motion to table this item until the next meeting of the ARC. Vice-Chairman Niebling seconded the motion. All present were in favor.

This item was tabled until the next meeting of the ARC.

Other Business:

Chairman Sutton informed members of the ARC that in the event of poor weather conditions, the Chairman, at his discretion may cancel meetings of the ARC. Chairman Sutton instructed members of the ARC to contact the Air Resources Division at 271-1370 to find out if an ARC meeting has been cancelled due to weather. Chairman Sutton scheduled the next meeting of the ARC to be held at 9:00 a.m. on February 14, 2005, at 29 Hazen Drive, Concord, NH.

Adjourn:

Having no further business to discuss, Raymond Donald entered a motion to adjourn. Robert Duval seconded the motion. All members present were in favor. Meeting #146 of the ARC adjourned at 10:10 a.m. on January 24, 2005.